
By: **Senator Frosh**
Introduced and read first time: February 6, 2004
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Energy-Saving Investment Program**

3 FOR the purpose of creating an Energy-Saving Investment Fund to provide funding
4 for certain purposes; requiring certain electric customers and certain gas
5 customers to contribute to the Fund through a certain energy-saving
6 investment charge, to be set by the Public Service Commission in a certain
7 manner; providing for State matching funding for the Fund; requiring the
8 Maryland Energy Administration to develop, manage, supervise, and administer
9 certain energy efficiency programs; providing for the preparation and
10 submission of a plan for the disbursement of funds to implement certain energy
11 efficiency programs throughout the State; establishing an Energy-Saving
12 Investment Advisory Board with certain membership and duties; providing for
13 the disposition of certain funds after a certain date; defining certain terms;
14 providing for the termination of this Act; and generally relating to the
15 Energy-Saving Investment Program.

16 BY adding to
17 Article - Public Utility Companies
18 Section 7-701 through 7-708 to be under the new subtitle "Subtitle 7.
19 Energy-Saving Investment Program"
20 Annotated Code of Maryland
21 (1998 Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Public Utility Companies**

25 **SUBTITLE 7. ENERGY-SAVING INVESTMENT PROGRAM.**

26 7-701.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

1 (B) "ADMINISTRATION" MEANS THE MARYLAND ENERGY ADMINISTRATION.

2 (C) "BOARD" MEANS THE ENERGY-SAVING INVESTMENT ADVISORY BOARD
3 ESTABLISHED UNDER § 7-705 OF THIS SUBTITLE.

4 (D) "CHARGE" MEANS THE ENERGY-SAVING INVESTMENT CHARGE ASSESSED
5 UNDER THIS SUBTITLE.

6 (E) "COST-EFFECTIVE" MEANS THAT THE BENEFITS OF A PROGRAM EXCEED
7 THE COSTS ATTRIBUTABLE TO THE PROGRAM FOR THE PROGRAM'S FULL DURATION
8 AND THE LIFE OF MEASURES IMPLEMENTED UNDER THE PROGRAM.

9 (F) "ENERGY" MEANS ELECTRICITY AND NATURAL GAS.

10 (G) "ENERGY PERFORMANCE CONTRACT" MEANS A CONTRACT STATING THE
11 TERMS AND CONDITIONS, INCLUDING MEASUREMENT AND VERIFICATION OF
12 ENERGY SAVINGS, FOR A COMPREHENSIVE ENERGY EFFICIENCY PROJECT THAT IS
13 ELIGIBLE TO COMPETE FOR FUNDS FROM THE FUND.

14 (H) "FUND" MEANS THE ENERGY-SAVING INVESTMENT FUND ESTABLISHED
15 UNDER § 7-702 OF THIS SUBTITLE.

16 (I) "LOW-INCOME CUSTOMER" MEANS A CUSTOMER WITH A HOUSEHOLD
17 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, IN THE
18 GUIDELINES FOR THE 48 CONTIGUOUS STATES PUBLISHED BY THE FEDERAL
19 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

20 (J) "MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS" MEANS THE
21 ACTUAL AND CONTINUOUS MONITORING AND MEASUREMENT OF ENERGY USAGE BY
22 ENERGY EFFICIENT EQUIPMENT IN A FACILITY, UNDER A NATIONALLY RECOGNIZED
23 PROTOCOL FOR MEASUREMENT AND VERIFICATION, USED IN CONJUNCTION WITH
24 PROCEDURES FOR REPORTING ENERGY SAVINGS PRODUCED BY THE ENERGY
25 EFFICIENT EQUIPMENT.

26 (K) "PLAN" MEANS THE ENERGY-SAVING INVESTMENT PLAN ESTABLISHED
27 UNDER § 7-704 OF THIS SUBTITLE.

28 7-702.

29 (A) THERE IS AN ENERGY-SAVING INVESTMENT FUND.

30 (B) THE PURPOSE OF THE FUND IS TO INCREASE THE OPPORTUNITIES FOR
31 ENERGY CONSUMERS THROUGHOUT MARYLAND TO:

32 (1) SAVE ENERGY;

33 (2) REDUCE CONSUMERS' TOTAL ENERGY COSTS;

34 (3) REDUCE POLLUTION AND THREATS TO PUBLIC HEALTH ASSOCIATED
35 WITH ENERGY PRODUCTION AND CONSUMPTION; AND

1 (4) IMPROVE SERVICE RELIABILITY FOR ELECTRIC AND GAS
2 CUSTOMERS.

3 (C) (1) EACH RESIDENTIAL RETAIL ELECTRIC CUSTOMER AND EACH
4 RESIDENTIAL RETAIL GAS CUSTOMER SHALL CONTRIBUTE TO THE FUND THROUGH
5 AN ENERGY-SAVING INVESTMENT CHARGE THAT EACH ELECTRIC COMPANY OR ITS
6 BILLING AGENT AND EACH GAS COMPANY OR ITS BILLING AGENT SHALL COLLECT
7 AND REMIT TO THE COMPTROLLER TO BE PLACED IN THE FUND.

8 (2) A RESIDENTIAL RETAIL ELECTRIC CUSTOMER OR A RESIDENTIAL
9 RETAIL GAS CUSTOMER SHALL BE EXEMPT FROM THE CHARGE IN PARAGRAPH (1) OF
10 THIS SUBSECTION FOR ALL UTILITY BILLING PERIODS DURING ANY PART OF WHICH
11 THE RESIDENTIAL CUSTOMER IS RECEIVING BENEFITS FROM:

12 (I) THE MARYLAND ENERGY ASSISTANCE PROGRAM UNDER
13 ARTICLE 41, § 6-406(2) AND ARTICLE 88A, § 15 OF THE CODE;

14 (II) THE ELECTRIC UNIVERSAL SERVICE PROGRAM UNDER § 7-512.1
15 OF THIS TITLE; OR

16 (III) ANY OTHER GAS OR ELECTRIC BILL ASSISTANCE PROGRAM
17 ADMINISTERED BY THE DEPARTMENT OF HUMAN RESOURCES.

18 (D) THE FUND CONSISTS OF:

19 (1) THE CHARGE COLLECTED UNDER THIS SUBTITLE;

20 (2) FUNDS TO MATCH THE COLLECTED CHARGES, AS APPROPRIATED IN
21 THE STATE BUDGET AND SUBJECT TO THE AVAILABILITY OF FUNDS; AND

22 (3) ANY ADDITIONAL FUNDS APPROPRIATED TO THE FUND.

23 (E) (1) THE TREASURER SHALL HOLD THE FUND AND SHALL INVEST THE
24 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE
25 INVESTED AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN
26 CONJUNCTION WITH THE ADMINISTRATION.

27 (2) THE COLLECTIONS FROM THE CHARGE SHALL ACCRUE TO THE
28 FUND.

29 (F) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT IS NOT
30 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

31 (G) (1) NOT MORE THAN 10% OF THE FUNDS PLACED IN THE FUND MAY BE
32 EXPENDED BY THE ADMINISTRATION ON MANAGEMENT AND SUPERVISION OF
33 ACTIVITIES UNDER THIS SUBTITLE.

34 (2) THE COMMISSION MAY RETAIN 1% OF THE FUNDS PLACED IN THE
35 FUND TO OFFSET THE EXPENSES ASSOCIATED WITH THE ADMINISTRATION AND
36 OVERSIGHT OF THE PROGRAM.

1 (H) THE ADMINISTRATION SHALL DISBURSE FUNDS FROM THE FUND IN
2 ACCORDANCE WITH THIS SUBTITLE.

3 7-703.

4 (A) THE COMMISSION SHALL SET THE LEVELS OF THE ENERGY-SAVING
5 INVESTMENT CHARGE IN ACCORDANCE WITH THIS SECTION.

6 (B) (1) THIS SUBSECTION DOES NOT APPLY TO A RETAIL RESIDENTIAL
7 ELECTRIC CUSTOMER WHO IS EXEMPTED UNDER § 7-702(C)(2) OF THIS SUBTITLE OR
8 SUBSECTION (D) OF THIS SECTION.

9 (2) DURING THE PERIOD OCTOBER 1, 2004 THROUGH SEPTEMBER 30,
10 2005, THE CHARGE FOR A RESIDENTIAL RETAIL ELECTRIC CUSTOMER SHALL BE SET
11 TO RECOVER 0.025 CENT ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO
12 A RETAIL RESIDENTIAL ELECTRIC CUSTOMER IN THE STATE.

13 (3) (I) ON OR AFTER OCTOBER 1, 2005, THE CHARGE UNDER THIS
14 SUBSECTION MAY BE RESET IF THE COMMISSION DETERMINES THAT THE APPROVED
15 PROGRAMS FOR RESIDENTIAL RETAIL ELECTRIC CUSTOMERS UNDER § 7-704(G) OF
16 THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS 0.025 CENT PER
17 KILOWATT-HOUR.

18 (II) IF THE COMMISSION DETERMINES THAT THE APPROVED
19 PROGRAMS FOR RESIDENTIAL RETAIL ELECTRIC CUSTOMERS UNDER § 7-704(G) OF
20 THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS 0.025 CENT PER
21 KILOWATT-HOUR, THE CHARGE UNDER THIS SUBSECTION SHALL BE SET AT 0.05
22 CENT PER KILOWATT-HOUR.

23 (4) (I) ON OR AFTER SEPTEMBER 30 OF THE YEAR AFTER THE CHARGE
24 WAS SET AT 0.05 CENT PER KILOWATT-HOUR, THE CHARGE UNDER THIS SUBSECTION
25 MAY BE RESET IF THE COMMISSION DETERMINES THAT THE APPROVED PROGRAMS
26 FOR RESIDENTIAL RETAIL ELECTRIC CUSTOMERS UNDER § 7-704(G) OF THIS
27 SUBTITLE REQUIRE A CHARGE THAT EXCEEDS 0.05 CENT PER KILOWATT-HOUR.

28 (II) IF THE COMMISSION DETERMINES THAT THE APPROVED
29 PROGRAMS FOR RESIDENTIAL RETAIL ELECTRIC CUSTOMERS UNDER § 7-704(G) OF
30 THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS 0.05 CENT PER KILOWATT-HOUR,
31 THE CHARGE UNDER THIS SUBSECTION SHALL BE SET AT 0.1 CENT PER
32 KILOWATT-HOUR.

33 (5) ON OR AFTER SEPTEMBER 30 OF THE YEAR AFTER THE CHARGE
34 UNDER THIS SUBSECTION WAS SET AT 0.05 CENT PER KILOWATT-HOUR OR 0.1 CENT
35 PER KILOWATT-HOUR, THE CHARGE SHALL BE RESET TO A LOWER RATE, NOT LESS
36 THAN 0.025 CENT PER KILOWATT-HOUR, IF THE COMMISSION DETERMINES THAT
37 THE APPROVED PROGRAMS FOR RESIDENTIAL RETAIL ELECTRIC CUSTOMERS UNDER
38 § 7-704(G) OF THIS SUBTITLE DO NOT REQUIRE A CHARGE THAT EXCEEDS THE
39 LOWER RATE PER KILOWATT-HOUR.

1 (6) THE CHARGE UNDER THIS SUBSECTION EXPIRES ON SEPTEMBER 30,
2 2013.

3 (C) (1) THIS SUBSECTION DOES NOT APPLY TO A RESIDENTIAL RETAIL GAS
4 CUSTOMER WHO IS EXEMPTED UNDER § 7-702(C)(2) OF THIS SUBTITLE OR
5 SUBSECTION (D) OF THIS SECTION.

6 (2) DURING THE PERIOD OCTOBER 1, 2004 THROUGH SEPTEMBER 30,
7 2005, THE CHARGE FOR A RESIDENTIAL RETAIL GAS CUSTOMER SHALL BE SET BY
8 THE COMMISSION AT AN AMOUNT ON EACH THERM OF GAS DELIVERED TO A
9 RESIDENTIAL RETAIL GAS CUSTOMER IN THE STATE THAT THE COMMISSION FINDS
10 TO HAVE THE SAME OR SUBSTANTIALLY SIMILAR EFFECT ON THE TOTAL YEARLY
11 GAS BILL OF AN AVERAGE RESIDENTIAL RETAIL GAS CUSTOMER AS 0.025 CENT FOR
12 EACH KILOWATT-HOUR HAS ON THE TOTAL YEARLY ELECTRICITY BILL OF AN
13 AVERAGE RESIDENTIAL RETAIL ELECTRIC CUSTOMER.

14 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON OR AFTER
15 OCTOBER 1, 2005, THE CHARGE UNDER THIS SUBSECTION SHALL BE RESET, IN A
16 MANNER SIMILAR TO THE MANNER SET FORTH IN SUBSECTION (B) OF THIS SECTION
17 FOR THE CHARGE FOR A RESIDENTIAL RETAIL ELECTRIC CUSTOMER, IF THE
18 COMMISSION DETERMINES THAT THE APPROVED PROGRAMS FOR RESIDENTIAL
19 RETAIL GAS CUSTOMERS UNDER § 7-704(F) OF THIS SUBTITLE:

20 (I) REQUIRE A CHARGE THAT EXCEEDS THE RATE SET FOR THE
21 PRECEDING FISCAL YEAR; OR

22 (II) DO NOT REQUIRE A CHARGE THAT EXCEEDS A RATE LOWER
23 THAN THE RATE SET FOR THE PRECEDING FISCAL YEAR.

24 (4) THE CHARGE UNDER THIS SUBSECTION:

25 (I) MAY NOT BE LESS THAN THE AMOUNT DETERMINED BY THE
26 COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

27 (II) MAY NOT EXCEED AN AMOUNT ON EACH THERM OF GAS
28 DELIVERED TO A RESIDENTIAL RETAIL GAS CUSTOMER IN THE STATE THAT THE
29 COMMISSION FINDS TO HAVE THE SAME OR SUBSTANTIALLY SIMILAR EFFECT OF
30 THE TOTAL YEARLY GAS BILL OF AN AVERAGE RESIDENTIAL RETAIL GAS CUSTOMER
31 AS 0.1 CENT FOR EACH KILOWATT-HOUR HAS ON THE TOTAL YEARLY ELECTRICITY
32 BILL OF AN AVERAGE RESIDENTIAL RETAIL ELECTRIC CUSTOMER.

33 (5) THE CHARGE UNDER THIS SUBSECTION EXPIRES ON SEPTEMBER 30,
34 2013.

35 (D) A MUNICIPAL CORPORATION OR COOPERATIVE THAT PROVIDES RETAIL
36 ELECTRIC OR GAS SERVICE TO CUSTOMERS MAY DECLINE TO COLLECT THE CHARGE
37 FROM ITS CUSTOMERS AND TO REMIT THE PROCEEDS TO THE COMPTROLLER IF IT
38 GIVES PRIOR WRITTEN NOTICE TO THE COMPTROLLER SPECIFYING THE DATE ON
39 WHICH IT WILL DECLINE TO COLLECT AND REMIT THE CHARGE.

1 (E) THE COMMISSION MAY SUSPEND THE COLLECTION OF THE CHARGE FOR
2 UP TO 6 MONTHS IF THE COMMISSION FINDS THAT THE BALANCE IN THE FUND HAS
3 EXCEEDED \$35,000,000 FOR TWO CONSECUTIVE FISCAL QUARTERS.

4 7-704.

5 (A) (1) THE ADMINISTRATION SHALL PREPARE AND MAINTAIN AN
6 ENERGY-SAVING INVESTMENT PLAN.

7 (2) ALL DISBURSEMENTS FROM THE FUND SHALL BE IN ACCORDANCE
8 WITH THE PLAN.

9 (3) THE ADMINISTRATION SHALL SUBMIT THE INITIAL PLAN TO THE
10 COMMISSION ON OR BEFORE MARCH 1, 2005.

11 (4) THE ADMINISTRATION SHALL PERIODICALLY UPDATE THE PLAN.
12 THE ADMINISTRATION SHALL SUBMIT ITS FIRST UPDATED PLAN TO THE
13 COMMISSION ON OR BEFORE MARCH 1, 2008.

14 (B) THE PLAN SHALL DESCRIBE, EVALUATE, AND RECOMMEND PROGRAMS
15 THAT ARE DESIGNED TO ACCOMPLISH ONE OR MORE OF THE FOLLOWING
16 OBJECTIVES:

17 (1) TO TRANSFORM MARKETS, SO THAT ENERGY-EFFICIENT PRODUCTS
18 AND SERVICES THAT ARE NOT BROADLY AVAILABLE AND USED BY MARYLAND
19 CONSUMERS BECOME STANDARD PRODUCT OFFERINGS;

20 (2) TO CAPTURE OPPORTUNITIES OTHERWISE LOST FOR
21 COST-EFFECTIVE ENERGY-EFFICIENT DESIGNS, MATERIALS, AND EQUIPMENT
22 WHEN HOMES AND BUILDINGS ARE BUILT, REMODELED, OR RENOVATED AND WHEN
23 EQUIPMENT IS REPLACED;

24 (3) TO REDUCE PEAK DEMAND FOR ELECTRICITY AND IMPROVE
25 SERVICE RELIABILITY FOR ALL CUSTOMERS THROUGH ENERGY EFFICIENCY
26 MEASURES THAT ARE ESPECIALLY EFFECTIVE AT REDUCING PEAK SYSTEM
27 DEMANDS; AND

28 (4) TO ENSURE THAT LOW-INCOME CUSTOMERS CAN FULLY
29 PARTICIPATE IN OPPORTUNITIES TO SAVE ENERGY AND REDUCE THEIR ENERGY
30 COSTS.

31 (C) THE PLAN SHALL CONTAIN:

32 (1) RELEVANT BASELINE INFORMATION AS MAY BE AVAILABLE
33 REGARDING ENERGY SALES AND CONSUMPTION, PATTERNS OF ENERGY USAGE, AND
34 PREVAILING PRACTICES IN THE MARYLAND MARKETPLACE FOR GOODS AND
35 SERVICES THAT INFLUENCE ENERGY CONSUMPTION, TOGETHER WITH PLANS FOR
36 SUPPLEMENTING AVAILABLE BASELINE INFORMATION WITH NEW DATA;

1 (2) COST-EFFECTIVE ENERGY EFFICIENCY PROGRAMS RECOMMENDED
2 FOR IMPLEMENTATION, INCLUDING:

3 (I) MARKET TRANSFORMATION PROGRAMS AND
4 LOST-OPPORTUNITY PROGRAMS IN AREAS SUCH AS RESIDENTIAL APPLIANCES,
5 LIGHTING, WINDOWS, INSULATION, HEATING, AIR-CONDITIONING, AND NEW HOME
6 CONSTRUCTION;

7 (II) ENERGY PERFORMANCE CONTRACT PROGRAMS WITH OPEN
8 AND COMPETITIVE ACCESS TO ENERGY EFFICIENCY FUNDS; AND

9 (III) OTHER PROGRAMS NECESSARY TO ADDRESS THE SPECIALIZED
10 NEEDS OF FARMERS, TENANTS, LOW-INCOME CONSUMERS, OR OTHER RESIDENTIAL
11 CUSTOMER GROUPS;

12 (3) GOALS, MILESTONES, PERFORMANCE INDICATORS, AND BUDGETS
13 FOR EACH ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR IMPLEMENTATION;

14 (4) PROCEDURES FOR GATHERING INFORMATION ON THE EFFECTS OF
15 EACH RECOMMENDED PROGRAM;

16 (5) AN EVALUATION OF EACH RECOMMENDED PROGRAM, INCLUDING
17 AN ASSESSMENT OF ITS COST-EFFECTIVENESS TO SOCIETY; AND

18 (6) THE VIEWS AND RECOMMENDATIONS, IF ANY, OF THE BOARD.

19 (D) THE PLAN SHALL PROVIDE THAT:

20 (1) ENERGY EFFICIENCY PROGRAMS ARE OFFERED TO RESIDENTIAL
21 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL RETAIL GAS CUSTOMERS IN AREAS
22 OF THE STATE WHERE THE CHARGE IS COLLECTED;

23 (2) EACH RECOMMENDED PROGRAM WILL YIELD NET SAVINGS OF
24 ENERGY;

25 (3) FUNDS DERIVED FROM RESIDENTIAL RETAIL ELECTRIC CUSTOMERS
26 SHALL BE DISBURSED FOR PROGRAMS TO SERVE THOSE CUSTOMERS AND FUNDS
27 DERIVED FROM RESIDENTIAL RETAIL GAS CUSTOMERS SHALL BE DISBURSED FOR
28 PROGRAMS TO SERVE THOSE CUSTOMERS;

29 (4) AT LEAST 5% OF EACH OF THE FUNDS DERIVED FROM RESIDENTIAL
30 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL RETAIL GAS CUSTOMERS,
31 RESPECTIVELY, SHALL BE DIRECTED TOWARD PROGRAMS TO SERVE LOW-INCOME
32 RESIDENTIAL ELECTRIC CUSTOMERS AND LOW-INCOME RESIDENTIAL GAS
33 CUSTOMERS, RESPECTIVELY;

34 (5) ANY PROGRAM FOUND TO BE NO LONGER COST-EFFECTIVE SHALL
35 NOT BE CONTINUED; AND

1 (6) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS IN THE SERVICE
2 AREA OF EACH ELECTRIC COMPANY, GAS COMPANY, AND PARTICIPATING MUNICIPAL
3 CORPORATION OR COOPERATIVE WILL BEAR A REASONABLE RELATIONSHIP TO THE
4 AMOUNT OF FUNDS DEPOSITED IN THE ENERGY-SAVING INVESTMENT FUND BY THE
5 COMPANY, MUNICIPAL CORPORATION, OR COOPERATIVE.

6 (E) FOR PURPOSES OF DETERMINING WHETHER A PROGRAM IS
7 COST-EFFECTIVE:

8 (1) BENEFITS OF THE PROGRAM INCLUDE THE MONETARY VALUE OF
9 ALL RESOURCES SAVED AS A RESULT OF THE PROGRAM, INCLUDING ELECTRICITY,
10 NATURAL GAS, AND WATER; AND

11 (2) AN APPROPRIATE MONETARY VALUE SHALL BE ASSIGNED TO EACH
12 EXTERNALITY ASSOCIATED WITH THE PROGRAM, INCLUDING PUBLIC HEALTH AND
13 ENVIRONMENTAL QUALITY.

14 (F) THE ADMINISTRATION SHALL ANNUALLY DETERMINE THE AMOUNT OF
15 FUNDS NECESSARY TO IMPLEMENT PROGRAMS APPROVED BY THE COMMISSION AND
16 SHALL OBTAIN THE FUNDS FROM THE ENERGY SAVINGS INVESTMENT FUND ON
17 REQUEST TO THE STATE TREASURER.

18 (G) (1) WHEN THE ADMINISTRATION SUBMITS THE PLAN OR UPDATE TO
19 THE COMMISSION, THE COMMISSION SHALL REVIEW THE PLAN OR UPDATE, AND
20 SHALL PROVIDE AN OPPORTUNITY FOR INTERESTED PARTIES TO COMMENT ON THE
21 PLAN OR UPDATE. THE COMMISSION SHALL ISSUE A FINAL ORDER BASED ON ITS
22 REVIEW WITHIN 90 DAYS AFTER RECEIVING THE PLAN OR UPDATE. IF THE
23 COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE PLAN, THE PLAN SHALL BE
24 DEEMED APPROVED AS SUBMITTED ON THE 91ST DAY AFTER THE COMMISSION
25 RECEIVES THE PLAN.

26 (2) THE COMMISSION SHALL APPROVE THE PLAN UNLESS IT FINDS
27 THAT THE PLAN:

28 (I) IS INCONSISTENT WITH THE PURPOSES STATED IN § 7-702(B) OF
29 THIS SUBTITLE;

30 (II) IS INCONSISTENT WITH THE OBJECTIVES STATED IN
31 SUBSECTION (B) OF THIS SECTION; OR

32 (III) FAILS TO MEET THE PROVISIONS OF SUBSECTION (D) OF THIS
33 SECTION.

34 (3) AS PART OF ITS FINAL ORDER, THE COMMISSION MAY MODIFY OR
35 REJECT ANY ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR
36 IMPLEMENTATION IF IT FINDS THAT THE PROGRAM IS NOT COST-EFFECTIVE.

37 (4) WITHIN 60 DAYS AFTER ANY FINAL ORDER REJECTING OR
38 MODIFYING THE PLAN OR UPDATE OR ANY ENERGY EFFICIENCY PROGRAM
39 RECOMMENDED IN THE PLAN OR UPDATE, THE ADMINISTRATION MAY FILE WITH

1 THE COMMISSION A SUPPLEMENT TO THE PLAN SEEKING TO REMEDY ANY DEFECT
2 IN THE PRIOR SUBMISSION IDENTIFIED IN THE ORDER OF THE COMMISSION. THE
3 COMMISSION SHALL REVIEW THE SUPPLEMENT TO THE PLAN AND ISSUE A FINAL
4 ORDER BASED ON ITS REVIEW WITHIN 60 DAYS AFTER RECEIVING THE SUPPLEMENT.
5 IF THE COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE SUPPLEMENT, THE
6 SUPPLEMENT SHALL BE DEEMED APPROVED AS SUBMITTED ON THE 61ST DAY
7 AFTER THE COMMISSION RECEIVES THE SUPPLEMENT.

8 (H) THE ADMINISTRATION SHALL:

9 (1) MANAGE, SUPERVISE, AND ADMINISTER THE ENERGY EFFICIENCY
10 PROGRAMS IMPLEMENTED UNDER THE APPROVED PLAN;

11 (2) ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE
12 IMPLEMENTED EFFICIENCY PROGRAMS CARRY OUT THE PURPOSES OF THE PLAN;
13 AND

14 (3) DEVELOP PROCEDURES FOR MONITORING AND ASSESSING ALL
15 ENERGY EFFICIENCY PROGRAMS IMPLEMENTED UNDER THE APPROVED PLAN.

16 7-705.

17 (A) ON OR BEFORE OCTOBER 1, 2004, THE DIRECTOR OF THE ADMINISTRATION
18 SHALL CONVENE AN ENERGY-SAVING INVESTMENT ADVISORY BOARD.

19 (B) THE BOARD SHALL CONSIST OF UP TO EIGHT MEMBERS APPOINTED TO
20 FIXED TERMS BY THE ADMINISTRATION, AND SHALL INCLUDE:

21 (1) A REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL,
22 SELECTED BY THE PEOPLE'S COUNSEL;

23 (2) A REPRESENTATIVE OF THE STAFF OF THE COMMISSION, SELECTED
24 BY THE CHAIRMAN OF THE COMMISSION;

25 (3) TWO REPRESENTATIVES OF ELECTRIC COMPANIES, INCLUDING AT
26 LEAST ONE REPRESENTATIVE OF A PARTICIPATING MUNICIPAL CORPORATION OR
27 COOPERATIVE;

28 (4) ONE REPRESENTATIVE OF A GAS COMPANY;

29 (5) ONE REPRESENTATIVE OF A NOT-FOR-PROFIT ORGANIZATION THAT
30 SERVES LOW-INCOME RESIDENTS; AND

31 (6) TWO REPRESENTATIVES OF NOT-FOR-PROFIT ORGANIZATIONS
32 CONCERNED WITH ENERGY AND ENVIRONMENTAL POLICY.

33 (C) THE BOARD SHALL PROVIDE THE ADMINISTRATION WITH REVIEW AND
34 COMMENT ON:

35 (1) DRAFT AND FINAL VERSIONS OF THE PLAN, PLAN UPDATES, AND
36 PLAN SUPPLEMENTS;

1 (2) GOALS, MILESTONES, BUDGETS, AND PERFORMANCE INDICATORS
2 FOR EACH ENERGY EFFICIENCY PROGRAM IN THE PLAN, ON A SEMIANNUAL BASIS;

3 (3) RECOMMENDATIONS FOR PROSPECTIVE ENERGY EFFICIENCY
4 PROGRAMS; AND

5 (4) OTHER MATTERS CONCERNING ENERGY EFFICIENCY THAT THE
6 BOARD CHOOSES TO ADDRESS.

7 (D) NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO APPROVE OR
8 DISAPPROVE PROGRAMS, EXPENDITURES, THE SELECTION OF CONTRACTORS, THE
9 LEVEL OF THE CHARGE, OR ANY OTHER RESPONSIBILITY OF THE ADMINISTRATION
10 OR THE COMMISSION UNDER THIS SUBTITLE.

11 7-706.

12 THE ADMINISTRATION MAY CONTRACT WITH ONE OR MORE
13 NONGOVERNMENTAL ENTITIES FOR ASSISTANCE IN CARRYING OUT ITS
14 RESPONSIBILITIES UNDER THIS SUBTITLE.

15 7-707.

16 (A) ON OR BEFORE MARCH 30, 2006, AND MARCH 30 OF EACH SUCCEEDING
17 YEAR THROUGH 2013, THE ADMINISTRATION SHALL, IN COOPERATION WITH THE
18 COMPTROLLER, SUBMIT AN ANNUAL REPORT ON THE FUND TO THE GENERAL
19 ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

20 (B) THE REPORT SHALL INCLUDE:

21 (1) AN ACCOUNTING OF ALL FUNDS DEPOSITED TO AND DISBURSED
22 FROM THE FUND;

23 (2) A DESCRIPTION OF ENERGY EFFICIENCY PROGRAMS PROPOSED,
24 UNDERWAY, OR COMPLETED; AND

25 (3) A SUMMARY OF PROGRAM RESULTS, EXPRESSED IN TERMS OF
26 ENERGY SAVINGS, COST SAVINGS TO CONSUMERS, POLLUTION PREVENTION, AND
27 MARKET EFFECTS.

28 7-708.

29 ANY UNCOMMITTED FUNDS REMAINING IN THE FUND AT THE END OF
30 SEPTEMBER 30, 2014 SHALL BE RETURNED TO RESIDENTIAL ELECTRIC AND GAS
31 CONSUMERS IN A MANNER PRESCRIBED BY THE COMMISSION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 2004. It shall remain effective for a period of 10 years and 9 months and,
34 at the end of March 31, 2015, with no further action required by the General
35 Assembly, this Act shall be abrogated and of no further force and effect.